
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Anthony Bobulinski

Stefan Passantino

(List the full name(s) of the plaintiff(s)/petitioner(s).)

1:24 CV 02349 (JPO) ()

-against-

NOTICE OF APPEAL

Jessica Tarlov

(List the full name(s) of the defendant(s)/respondent(s).)

Notice is hereby given that the following parties: Anthony Bobulinski and Stefan Passantino

(list the names of all parties who are filing an appeal)

in the above-named case appeal to the United States Court of Appeals for the Second Circuit

from the ☒ judgment ☒ order entered on: both on November 26, 2024
(date that judgment or order was entered on docket)

that: Judgment and Order granting Defendant's motion to dismiss and

demand for attorneys' fees and costs.

(If the appeal is from an order, provide a brief description above of the decision in the order.)

12/26/2024

Dated

/s/ Jesse R. Binnall

Signature*

Binnall, Jesse, R. (counsel for Anthony Bobulinski and Stefan Passantino)

Name (Last, First, MI)

717 King Street, Suite 200

Address

Alexandria

City

Virginia

State

22314

Zip Code

703-888-1943

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E-mail Address (if available)

* Each party filing the appeal must date and sign the Notice of Appeal and provide his or her mailing address and telephone number, EXCEPT that a signer of a pro se notice of appeal may sign for his or her spouse and minor children if they are parties to the case. Fed. R. App. P. 3(c)(2). Attach additional sheets of paper as necessary.

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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:24-cv-02349-JPO**

Bobulinski et al v. Tarlov
Assigned to: Judge J. Paul Oetken
Cause: 28:1332lb Diversity-Libel, Assault, Slander

Date Filed: 03/28/2024
Date Terminated: 11/26/2024
Jury Demand: Plaintiff
Nature of Suit: 320 Assault Libel &
Slander
Jurisdiction: Diversity

Plaintiff

Anthony Bobulinski

represented by **Jared Joseph Roberts**
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Plaintiff

Steffan Passantino

represented by **Jared Joseph Roberts**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

John C. Sullivan

(See above for address)

ATTORNEY TO BE NOTICED

Jesse R Binnall

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant

Jessica Tarlov

represented by **Brett David Katz**

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/28/2024	<u>1</u>	COMPLAINT against Jessica Tarlov. (Filing Fee \$ 405.00, Receipt Number ANYSDC-29144593) Document filed by Anthony Bobulinski, Steffan Passantino. (Attachments: # <u>1</u> Exhibit Exhibit A - 3.21.24 Letter, # <u>2</u> Exhibit Exhibit B - 3.22.24 Letter).(Binnall, Jesse) (Entered: 03/28/2024)
03/28/2024	<u>2</u>	CIVIL COVER SHEET filed..(Binnall, Jesse) (Entered: 03/28/2024)
03/28/2024	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Jessica Tarlov, re: <u>1</u> Complaint,. Document filed by Anthony Bobulinski, Steffan Passantino.. (Binnall, Jesse) (Entered: 03/28/2024)
03/29/2024		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge J. Paul Oetken. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions ..(pc) (Entered: 03/29/2024)
03/29/2024		Magistrate Judge Robyn F. Tarnofsky is designated to handle matters that may be referred in this case. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (pc) (Entered: 03/29/2024)
03/29/2024		Case Designated ECF. (pc) (Entered: 03/29/2024)
03/29/2024		***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Jesse R Binnall. The following case opening statistical information was erroneously selected/entered: Dollar Demand \$10,000,000,000; County code New York;. The following correction(s) have been made to your case entry: the Dollar Demand has been modified to blank; the County code has been modified to XX Out of State;. (pc) (Entered: 03/29/2024)
03/29/2024	<u>4</u>	ELECTRONIC SUMMONS ISSUED as to Jessica Tarlov..(pc) (Entered: 03/29/2024)
03/29/2024	<u>5</u>	MOTION for Jesse R. Binnall to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29151318. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Anthony Bobulinski, Steffan Passantino. (Attachments: # <u>1</u> Affidavit of Jesse Binnall, # <u>2</u> Exhibit Good Standing Certificates, # <u>3</u> Proposed Order Proposed Order for PHV of Jesse Binnall).(Binnall, Jesse) (Entered: 03/29/2024)
03/29/2024		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>5</u> MOTION for Jesse R. Binnall to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29151318. Motion and

		supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sgz) (Entered: 03/29/2024)
04/16/2024	<u>6</u>	LETTER MOTION for Extension of Time to File Answer addressed to Judge J. Paul Oetken from Brett D. Katz dated April 16, 2024. Document filed by Jessica Tarlov..(Katz, Brett) (Entered: 04/16/2024)
04/17/2024	7	ORDER granting <u>6</u> Letter Motion for Extension of Time to Answer: Granted. Defendant shall respond to the complaint on or before May 20, 2024. So ordered. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (nhb) (Entered: 04/17/2024)
04/19/2024	<u>8</u>	MOTION for Jared J. Roberts to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29245823. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Anthony Bobulinski, Steffan Passantino. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Exhibit Local Rule 1.3 Affidavit, # <u>4</u> Proposed Order Proposed Order).(Roberts, Jared) (Entered: 04/19/2024)
04/19/2024		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>8</u> MOTION for Jared J. Roberts to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29245823. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sgz) (Entered: 04/19/2024)
04/26/2024	9	ORDER granting <u>5</u> Motion to Appear Pro Hac Vice. Granted. So ordered. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (bh) (Entered: 04/26/2024)
04/26/2024	10	ORDER granting <u>8</u> Motion to Appear Pro Hac Vice. Granted. So ordered. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (bh) (Entered: 04/26/2024)
05/07/2024	<u>11</u>	MOTION for John C. Sullivan to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29324821. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Anthony Bobulinski, Steffan Passantino. (Attachments: # <u>1</u> Affidavit of John C. Sullivan, # <u>2</u> Exhibit Good Standing Certificates, # <u>3</u> Proposed Order Proposed Order for PHV). (Sullivan, John) (Entered: 05/07/2024)
05/08/2024		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>11</u> MOTION for John C. Sullivan to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29324821. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bc) (Entered: 05/08/2024)
05/09/2024	12	ORDER granting <u>11</u> Motion to Appear Pro Hac Vice. Granted. So ordered. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (bh) (Entered: 05/09/2024)
05/20/2024	<u>13</u>	NOTICE OF CHANGE OF ADDRESS by Brett David Katz on behalf of Jessica Tarlov. New Address: Torridon Law PLLC, 800 Westchester Ave, Rye Brook,

		New York, United States 10573, 551-404-5301..(Katz, Brett) (Entered: 05/20/2024)
05/20/2024	14	MOTION for Patrick F. Philbin to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29376447. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Jessica Tarlov. (Attachments: # 1 Affidavit Patrick F. Philbin, # 2 Exhibit COGS (Massachusetts), # 3 Exhibit COGS (District of Columbia), # 4 Proposed Order Text of Proposed Order).(Philbin, Patrick) (Entered: 05/20/2024)
05/20/2024	15	MOTION for Kyle T. West to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29376617. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Jessica Tarlov. (Attachments: # 1 Affidavit Affidavit of Kyle T. West, # 2 Exhibit A, DC Certificate of Good Standing, # 3 Exhibit A, Texas Certificate of Good Standing, # 4 Proposed Order Proposed Order).(West, Kyle) (Entered: 05/20/2024)
05/20/2024		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 14 MOTION for Patrick F. Philbin to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29376447. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bc) (Entered: 05/20/2024)
05/20/2024		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 15 MOTION for Kyle T. West to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29376617. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bc) (Entered: 05/20/2024)
05/20/2024	16	MOTION for Chase T. Harrington to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29376835. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Jessica Tarlov. (Attachments: # 1 Affidavit of Chase T. Harrington, # 2 Exhibit - Certificate of Good Standing (Colorado), # 3 Exhibit - Certificate of Good Standing (District of Columbia), # 4 Proposed Order Text).(Harrington, Chase) (Entered: 05/20/2024)
05/20/2024		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 16 MOTION for Chase T. Harrington to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29376835. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bc) (Entered: 05/20/2024)
05/20/2024	17	MOTION to Dismiss <i>for Failure to State a Claim</i> . Document filed by Jessica Tarlov..(Katz, Brett) (Entered: 05/20/2024)
05/20/2024	18	DECLARATION of Brett D. Katz in Support re: 17 MOTION to Dismiss <i>for Failure to State a Claim</i> .. Document filed by Jessica Tarlov. (Attachments: # 1 Exhibit Exhibits A, B, C, & D to the Declaration).(Katz, Brett) (Entered: 05/20/2024)
05/20/2024	19	

		MEMORANDUM OF LAW in Support re: 17 MOTION to Dismiss <i>for Failure to State a Claim.</i> . Document filed by Jessica Tarlov..(Katz, Brett) (Entered: 05/20/2024)
05/23/2024	20	ORDER granting 14 Motion for Patrick F. Philbin to Appear Pro Hac Vice: Granted. So ordered. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (nhb) (Entered: 05/23/2024)
05/23/2024	21	ORDER granting 15 Motion for Kyle T. West to Appear Pro Hac Vice: Granted. So ordered. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (nhb) (Entered: 05/23/2024)
05/23/2024	22	ORDER granting 16 Motion for Chase T. Harrington to Appear Pro Hac Vice: Granted. So ordered. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (nhb) (Entered: 05/23/2024)
05/31/2024	23	LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge J. Paul Oetken from Jared J. Roberts dated May 31, 2024. Document filed by Anthony Bobulinski, Steffan Passantino..(Roberts, Jared) (Entered: 05/31/2024)
05/31/2024	24	ORDER granting 23 Letter Motion for Extension of Time: Granted. Plaintiffs' response to Defendant's Motion to Dismiss shall be due on July 1, 2024. Defendant's reply in support of the Motion to Dismiss shall be due on July 29, 2024. So ordered. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (nhb) (Entered: 05/31/2024)
07/01/2024	25	RESPONSE in Opposition to Motion re: 17 MOTION to Dismiss <i>for Failure to State a Claim.</i> . Document filed by Anthony Bobulinski, Steffan Passantino..(Binnall, Jesse) (Entered: 07/01/2024)
07/26/2024	26	NOTICE OF CHANGE OF ADDRESS by Patrick F. Philbin on behalf of Jessica Tarlov. New Address: Torridon Law PLLC, 801 Seventeenth Street, Suite 1100, Washington, District of Columbia, United States 20006, 202-249-6900..(Philbin, Patrick) (Entered: 07/26/2024)
07/26/2024	27	NOTICE OF CHANGE OF ADDRESS by Kyle West on behalf of Jessica Tarlov. New Address: Torridon Law PLLC, 801 Seventeenth Street, Suite 1100, Washington, DC, United States 20006, 202-249-6900..(West, Kyle) (Entered: 07/26/2024)
07/26/2024	28	NOTICE OF CHANGE OF ADDRESS by Chase Traver Harrington on behalf of Jessica Tarlov. New Address: Torridon Law PLLC, 801 Seventeenth Street, Suite 1100, Washington, District of Columbia, United States 20006, 202-249-6900..(Harrington, Chase) (Entered: 07/26/2024)
07/29/2024	29	REPLY to Response to Motion re: 17 MOTION to Dismiss <i>for Failure to State a Claim.</i> . Document filed by Jessica Tarlov..(Katz, Brett) (Entered: 07/29/2024)
10/02/2024	30	ORDER: The Court will hear in-person oral argument on the pending motion to dismiss on October 24, 2024, at 10:30 am, in Courtroom 706, 40 Foley Square, New York, New York. (HEREBY ORDERED by Judge J. Paul Oetken) (Text Only Order) (lw) (Entered: 10/02/2024)

10/24/2024		Minute Entry for proceedings held before Judge J. Paul Oetken: Oral Argument held on 10/24/2024 re: 17 MOTION to Dismiss. Decision reserved. See transcript. (bh) (Entered: 10/24/2024)
11/01/2024	31	TRANSCRIPT of Proceedings re: ORAL ARGUMENT held on 10/24/2024 before Judge J. Paul Oetken. Court Reporter/Transcriber: Alena Lynch, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/22/2024. Redacted Transcript Deadline set for 12/2/2024. Release of Transcript Restriction set for 1/30/2025..(McGuirk, Kelly) (Entered: 11/01/2024)
11/01/2024	32	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ORAL ARGUMENT proceeding held on 10/24/2024 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 11/01/2024)
11/12/2024	33	TRANSCRIPT of Proceedings re: ORAL ARGUMENT held on 10/24/2024 before Judge J. Paul Oetken. Court Reporter/Transcriber: Alena Lynch, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/3/2024. Redacted Transcript Deadline set for 12/13/2024. Release of Transcript Restriction set for 2/10/2025..(McGuirk, Kelly) (Entered: 11/12/2024)
11/12/2024	34	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ORAL ARGUMENT proceeding held on 10/24/2024 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 11/12/2024)
11/26/2024	35	OPINION AND ORDER re: 17 MOTION to Dismiss <i>for Failure to State a Claim</i> . filed by Jessica Tarlov. For the foregoing reasons, Tarlov's motion dismiss is GRANTED and her demand for attorney's fees is GRANTED. Plaintiffs' request for leave to amend is DENIED. Tarlov shall submit any request for attorney's fees and costs with appropriate documentation on or before December 20, 2024. Her publicly filed submission may be redacted for privileged matters, with an unredacted version submitted to the Court by email. Plaintiffs may file any response on or before January 15, 2025. The Clerk of Court is directed to close the motion at Docket Number 17. (Signed by Judge J. Paul Oetken on 11/26/2024) (tro) Transmission to Orders and Judgments Clerk for processing. (Entered: 11/26/2024)
11/26/2024	36	CLERK'S JUDGMENT re: 35 Opinion & Order. in favor of Jessica Tarlov against Anthony Bobulinski, Steffan Passantino. It is hereby ORDERED,

		ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated November 26, 2024, Tarlov's motion dismiss is GRANTED and her demand for attorney's fees is GRANTED. Plaintiffs' request for leave to amend is DENIED. (Signed by Acting Clerk of Court Daniel Ortiz on 11/26/2024) (Attachments: # 1 Notice of right to appeal) (nd) (Entered: 11/26/2024)
12/20/2024	37	MEMORANDUM OF LAW in Support of <i>Fee Award</i> . Document filed by Jessica Tarlov..(Philbin, Patrick) (Entered: 12/20/2024)
12/20/2024	38	DECLARATION of Patrick F. Philbin in Support re: 37 Memorandum of Law in Support. Document filed by Jessica Tarlov. (Attachments: # 1 Exhibit A). (Philbin, Patrick) (Entered: 12/20/2024)
12/26/2024	39	NOTICE OF APPEAL from 36 Clerk's Judgment,, 35 Memorandum & Opinion,,,. Document filed by Anthony Bobulinski, Steffan Passantino. Filing fee \$ 605.00, receipt number BNYSDC-30381427. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit..(Binnall, Jesse) Modified on 12/26/2024 (nd). (Entered: 12/26/2024)
12/26/2024		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 39 Notice of Appeal,..(nd) (Entered: 12/26/2024)
12/26/2024		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 39 Notice of Appeal, filed by Steffan Passantino, Anthony Bobulinski were transmitted to the U.S. Court of Appeals..(nd) (Entered: 12/26/2024)